

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

October 15, 2009

Chairman T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, B. Turnquist, L. Spataro, B. Smith,
B. Mazade, S. Warmington

MEMBERS ABSENT: T. Harryman

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: A. Hairston, 236 W. Forest; J. Ritz, 1775 20 Mile Rd, Kent City;
Neighbor at 1766 Madison; S. Strandberg, 745 Wellington Ct; K.
Newton, Rescue Mission, 400 W. Laketon; G. Bird, 311 N.
Mararebecah Ln; D. McKinnon, 1917 Shady Oak Ln; M.
Fazakerley, 391 Grover

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 10, 2009 be approved, was made by B. Larson, supported by L. Spataro and unanimously approved.

OLD BUSINESS

Hearing; Case 2009-11: Request to vacate the southerly 159.5 feet of the alley located in Block 427 of the City of Muskegon Revised Plat of 1903, bounded by W. Forest Avenue, Sixth Street, W. Southern Avenue, and Fifth Street, by Al and Tracy Hairston, 236 W. Forest Avenue. L. Anguilm presented the staff report. The Hairstons are the homeowners at 236 W. Forest Ave, which is adjacent to this alley. They are requesting that the City vacate the alley because they feel it is very dangerous due to cars coming through the alley and not stopping before pulling out onto Forest Avenue. There are also a lot of kids that hang out in the alley doing various mischievous activities. The applicants and their neighbor across the alley have no other access to their parking area located at the rear of their properties. The applicants state that if the alley is vacated they will share the property with their neighbor for joint access to their parking areas. Since parking is not allowed in a front yard, they must have access to the parking areas in the back yard. Staff recommends that as a condition of approval the two parties be required to have joint easement agreements recorded with the Register of Deeds for each of the properties. This avoids problems in the future if new owners purchase either of the two properties. The Public Works and Fire Departments have no issues with the alley vacation. Staff has received no other comments regarding this request and recommends approval.

T. Michalski asked A. Hairston if he had a signed easement agreement with the neighbor. A. Hairston stated that he did, but he did not have it with him. B. Turnquist asked how they planned to close off the alley. A. Hairston stated that they would put a fence across it, connecting to the

fence in his and the neighbor's back yards. L. Spataro asked who staff had notified of the hearing. Staff pointed out a map showing the properties noticed. L. Anguilm stated that she had received no calls regarding the request.

A motion to close the public hearing was made by L. Spataro, supported by B. Larson and unanimously approved.

A motion that the vacation of the southerly 159.5 feet of the alley located in Block 427 of the City of Muskegon's Revised Plat of 1903, bounded by W. Forest Avenue, Sixth Street, W. Southern Avenue and Fifth Street, be recommended to City Commission for approval, based on compliance with the City's 1997 Master Land Use Plan, with the conditions that 1) All utility easements will be retained, and 2) A joint property easement be obtained, recorded with the Register of Deeds and copies provided to the Planning Department, was made by L. Spataro, supported by B. Turnquist and unanimously approved.

L. Spataro asked that staff have the signed easement documents in hand before this case was brought to City Commission for final approval. He also asked if a fence could be erected across an easement. L. Anguilm stated that it could, as long as the property owner understood that the fence could be taken down if utility work was required there. The property owner would be responsible for repairing the fence if that happened.

PUBLIC HEARINGS

Hearing; Case 2009-15: Request for a Special Land Use Permit, per section 401 #6 of Article IV of the Zoning Ordinance to allow a handyman service in an R-1, Single Family Residential zoning district at 1774 Madison Street, by John Ritz, Ritz Properties. L. Anguilm presented the staff report. This property formerly housed the City's Madison Street Fire Station and has been vacant since the station closed several years ago. Mr. Ritz is interested in purchasing the property and establishing a neighborhood handyman service in the building. He will primarily use it to store his equipment, but there will be a small office with a phone installed to take messages. The property is zoned R-1, Single Family Residential, as are properties to the north and east. Properties to the west are zoned I-1, Light Industrial, as are properties across Laketon Avenue to the south. The zoning ordinance states that "previously existing or established commercial uses not already converted to residential" may be allowed if they basically service the neighboring residential areas. It seems that the handyman service, although not performing that service at the site, does provide services for the surrounding area. The Engineering Department had no comments regarding this request. The Planning, Fire, and Public Works Departments had no issues with the site plan. Staff has received no other comments regarding this request and recommends approval, based on compliance with the 1997 Master Plan and City Zoning Ordinance, with the conditions listed in the staff report.

L. Spataro asked what would happen to the Special Use Permit if the property was sold. L. Anguilm explained the regulations governing the permits. B. Turnquist stated that prohibiting the parking of work vehicles outside of the building may be too restrictive. L. Anguilm stated that she was thinking of large work trucks, not personal vehicles.

J. Ritz stated that he saw a need for a handyman service. He liked this location due to the space for equipment storage and proximity to the neighborhood. B. Smith asked what he meant by a "handyman". J. Ritz stated that he would do the types of repairs that did not require permits, and gave examples. The neighbor who recently purchased the nearby property at 1766 Madison

stated that she was concerned about what could happen if the SUP was granted and the property was later sold. L. Anguilm explained the SUP requirements, and the neighbor stated that she had no objection to the request.

A motion to close the public hearing was made by B. Larson, supported by B. Mazade and unanimously approved.

A motion that the special land use permit, per Section 401 (#6) of Article IV of the Zoning Ordinance, to allow a handyman service in an R-1, Single Family Residential zoning district at 1774 Madison Street, by John Ritz, Ritz Properties, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) All signage requires a sign permit and must comply with the sign ordinance for residential zones, 2) No parking of work vehicles outside of the building, 3) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 4) The Special Land Use permit document shall be recorded with the register of deeds prior to establishment of the use, and 5) The Special Land Use Permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 – 4, was made by B. Turnquist, supported by B. Larson and unanimously approved.

Hearing; Case 2009-16: Request for a Special Land Use Permit, per section 1101, #12 of Article XI of the zoning ordinance to allow a low cost animal vaccination clinic in a B-2, Convenience and Comparison Business zoning district at 1061 S. Getty Street, by Sandra Strandberg, DVM, All Creatures Mobile Veterinary Care. L. Anguilm presented the staff report. The subject property is located at the corner of Getty Street and Ada Avenue and previously housed a dental office. The applicant operates a mobile veterinary clinic. This request is for a low cost animal vaccination clinic to be housed at this location. The subject property is zoned B-2. Properties to the north are zoned B-4, General Business, as are properties to the east and south. Properties to the west are zoned R-1, Single Family Residential. The parking lot at the rear of the building will accommodate adequate parking for the site, but it will need to be striped to do it in an orderly fashion. The Building Inspections Department has the following comment regarding this request: Construction documents prepared by a design professional must be submitted with permit application. The Engineering Department had no comments regarding this request. The Fire and Public Works Departments have no outstanding issues with the request. Staff received a phone call from Linda Jordan, 1079 Holt Street, who is in favor of the clinic. She feels there is a need for this service in the neighborhood. Staff also received a call from Patricia Jackson, 1090 S. Getty Street. She is in favor of the request because she likes the idea of a vacant building being put into use again. Staff recommends approval of the request based on compliance with the 1997 Master Plan and City Zoning Ordinance, with the conditions listed in the staff report.

B. Turnquist noticed that the building had two different addresses and asked how much of the building the clinic would use. L. Anguilm stated that they would use the entire building. B. Smith asked if animals would be housed there. L. Anguilm stated that they would not. Dr. S. Strandberg described her business and plans for a low-cost animal vaccination clinic. There would be no surgeries, x-rays, or overnight stays of animals. She stated that clients would have to show proof of financial need, as they did not want to compete with the local veterinarians. Animals needing additional care would be referred to a participating clinic. B. Mazade asked what their funding sources were. S. Strandberg stated that they had none at this point, but had

some ideas. B. Mazade asked if they owned the building. S. Strandberg stated that they were renting.

A motion to close the public hearing was made by L. Spataro, supported by B. Smith and unanimously approved.

B. Mazade stated that he supported the mission of the clinic but was concerned about funding and sustainability.

A motion that the special land use permit, per Section 1101 (#12) of Article XI of the Zoning Ordinance, to allow a low cost animal vaccination clinic a B-2, Convenience and Comparison Business district at 1061 S. Getty Street, by Sandra Strandberg, DVM, All Creatures Mobile Veterinary Care be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) The parking lot must be striped to accommodate orderly parking, 2) All signage requires a permit and must comply with the zoning ordinance, 3) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 4) The Special Land Use permit document shall be recorded with the register of deeds prior to establishment of the use, and 5) The Special Land Use Permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 – 4, was made by B. Larson, supported by B. Smith and unanimously approved.

S. Warmington arrived at 4:28 p.m.

Hearing; Case 2009-17: Request to rezone the properties located at 400 and 410 W. Laketon Avenue from B-4, General Business district to RM-2, Medium Density Multiple Family Residential district, by Carla Skoglund, Muskegon Rescue Mission. L. Anguilm presented the staff report. The property is a 2.12 acre parcel that presently contains a building owned and occupied by the Muskegon Rescue Mission men's facility. It is presently zoned B-4, General Business, but the applicant wishes to have the property rezoned to RM-2, Medium Density Multiple Family Residential. The Rescue Mission originally applied for a special land use permit in July 2009 to allow for an expansion of the facility. Upon further discussion with their Board of Directors, they believe a rezoning would allow them to build a new facility which would comply with all zoning requirements. The properties to the north, south and west of the site are zoned, I-2, General Industrial and the property to the east is zoned B-4. The Future Land Use Map shows this property (Sub-Area 5) as "Public/Quasi-Public". The Master Plan also states: "Notwithstanding the presence of many quality homes, the sub-area also possesses a number of blocks with units in need of rehabilitation and site maintenance." A new building constructed on this site would surely improve the appearance of the area. Staff has had no comments regarding this request and recommends approval, since the request conforms to the goals and recommendation of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

L. Spataro stated that he was concerned with the institutional load on the surrounding neighborhood. He asked what the maximum capacity allowed would be if the rezoning was approved, and how that differed from the original expansion request. L. Anguilm stated that the zoning ordinance regulated lot density, but not how many beds were allowed in a facility. Staff and board members discussed those regulations, and other possible uses allowed in an RM-2 zoning. K. Newton represented the Rescue Mission. After discussions with the builder,

architect, and the Rescue Mission board, they decided to try to get the property rezoned and build a new building, rather than remodel the old one. He discussed some issues with the current facility, and described plans for the new one-story building. The Mission preferred to have the property rezoned so that they would no longer be non-conforming with the zoning ordinance. T. Michalski asked what the current and projected capacity was. K. Newton stated that the current capacity was 50 beds, but they did not turn people away in cold weather. They planned to expand to 70 beds with either a new or remodeled facility. T. Michalski asked what the maximum amount of people was, that they've had at the facility at one time. K. Newton stated that the peak capacity was about 70 people. He also stated that the Mission had received grant funding for the facility, but there was an approaching deadline they needed to meet or the funds would be lost. He discussed the funding with board members.

G. Bird owned a business near the Rescue Mission and had some concerns about the rezoning and increased capacity. He had had several incidents of theft and property damage at his business, which he believed was from Mission residents who congregated along the old railroad corridor. He was also concerned about his employees' safety, and that of the Mission residents, being close to an industrial facility. B. Turnquist asked if the problems had been attributed to Mission residents. G. Bird stated that he couldn't state that for sure, but they traveled the railroad corridor daily. B. Mazade stated that he had worked with G. Bird on trying to purchase that property from the railroad, but had no luck. S. Warmington and L. Spataro stated that they had concerns about the effect of the rezoning on the neighborhood. B. Larson asked L. Spataro what additional information he was looking for. L. Spataro stated that, based on the size of the parcel and the zoning, he wanted to know what could go on those lots. S. Warmington asked if the Rescue Mission could build a new structure if the rezoning were denied. L. Anguilm stated that they could not, since B-4 zoning does not allow for residential uses. Since the building was non-conforming, there were limits on how much they could expand. Board members discussed tabling the case for a month and asked K. Newton what affect that would have on the project. He stated that they would have to remodel rather than rebuild, and they risked losing their funding. D. McKinnon was a Mission board member and described their future plans and the proposed new single-story building. He stated that it would be a much safer facility, and would be an asset to the community. B. Larson asked who the contractor was. K. Newton stated that Gary Post was the construction manager. L. Spataro stated that he would still like an answer to his earlier question, but that he would have a chance to hear the request again at the City Commission level. He asked that staff have the information available to him before that time.

A motion to close the public hearing was made by S. Warmington, supported by B. Larson and unanimously approved.

A motion that the request to rezone the property located at 400 and 410 W. Laketon Avenue from B-4, General Business district to RM-2, Medium Density Multiple Family Residential district, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by S. Warmington, supported by B. Larson and unanimously approved.

Chairman T. Michalski requested that the board hear the New Business case now, since the applicant was present. Board members concurred.

NEW BUSINESS

Case 2009-19: Request for a site plan amendment for 3800 Bluff Street, by Great Lakes Naval Memorial & Museum. L. Anguilm presented the staff report. The subject property is 2.58 acres which houses the Great Lakes Naval Memorial and Museum buildings. There is a special land use permit allowing them to operate as a museum, and an approved site plan is part of that. Museum personnel came to the Planning Commission in January 2009 requesting an amendment to their special land use permit to allow a banquet hall in addition to the museum. This request was denied. Museum personnel now request an amendment to their site plan to allow for some additional parking spaces so they may more fully utilize their space for group events other than a banquet hall. The revised site plan shows an additional 18 parking spaces along the channel wall. In fact, the area is already striped for parking, although the striping is hard to see due to weathering of the paint. This striping may have been done before the museum building was constructed, as the space was used as a parking area when the original buildings were on the site. The Planning Department has no issues with allowing the additional parking spaces; however, it is difficult to determine how many additional spaces are actually necessary for the proposed uses. There are several types of uses in the building, including meeting rooms, a theater and offices. Staff received a floor plan of the interior of the building in order to better determine the number of allowed parking spaces. The number of spaces ultimately approved may determine the type and size of events allowed on the site. The Engineering Department had no comments regarding this site plan. The Fire and Public Works Departments have no outstanding issues with this site plan. Staff has received no other comments regarding this request and recommends approval of the 18 additional parking spaces, subject to the condition listed in the staff report.

M. Fazakerley was present on behalf of the museum to answer any questions regarding the request. T. Michalski mentioned the light poles on the site that appeared to be taking up 2 parking spots. L. Anguilm stated that those spaces were not included in the calculations.

A motion that the site plan for 18 additional parking spaces for the Great Lakes Naval Memorial and Museum be approved, based on the condition that all new spaces be restriped, was made by B. Mazade, supported by B. Smith and unanimously approved.

PUBLIC HEARINGS (continued)

Hearing; Case 2009-18: Staff-initiated request to amend Section 1101, #14, of Article XI, Section 1201, #11 of Article XII, Section 1301, #13 of Article XIII, Section 1306, #6 of Article XIII, Section 1401, #7 of Article XIV, Section 1501, #5 of Article XV, to allow “Wind Turbine Facilities” as special land uses in B-2, B-3, B-4, and B-5 business zoning districts and I-1 and I-2 industrial zoning districts. L. Anguilm presented the staff report. Since the new wind turbine facility ordinance was approved by the Planning and City Commissions, and they are allowed as special land uses in certain zoning districts, the language for those districts must be amended to include “Wind Turbine Facilities” as special land uses in those selected zoning districts.

A motion to close the public hearing was made by S. Warmington, supported by B. Larson and unanimously approved.

A motion that the amendment to Section 1101, #14, of Article XI, Section 1201, #11 of Article XII, Section 1301, #13 of Article XIII, Section 1306, #6 of Article XIII, Section 1401, #7 of Article XIV, Section 1501, #5 of Section XV, of the City of Muskegon Zoning Ordinance to add “Wind Turbine Facilities” as special land uses, be recommended to the City Commission for approval was made by S. Warmington, supported by B. Larson and unanimously approved.

OTHER

Great Lakes Naval Museum – Memo regarding facility events – Board members concurred that they would discuss this item at the next meeting and that it should be a public hearing. They stated that it would be a Planning Commission-initiated request to clarify the Special Use Permit.

There being no further business, the meeting was adjourned at 5:41 p.m.

dml